GOVERNMENT OF ANDHRA PRADESH
ABSTRACT.

Public Services-Transport Department-Surprise Check conducted by the ACB on the O/o Deputy Transport Commissioner, Chittoor on 29.10.2007 on the allegations of corrupt practices-Disciplinary Action initiated against Sri I.Padmanabha Kumar, the then Junior Assistant, O/o Deputy Transport Commissioner, Chittoor and six(6) other officials of O/o Dy.Tr.Commr., Chittoor- Case Entrusted to Commissioner Of Inquiries(COI-P) for Detailed Enquiry-Enquiry Conducted-Enquiry Report submitted-Imposition of Punishment of Withholding of One(1) Annual Grade Increment Without Cumulative Effect against Sri I.Padmanabha Kumar, the then Junior Assistant, O/o Deputy Transport Commissioner, Chittoor, and presently Junior Assistant, O/o Regional Transport Officer, Tirupati- Orders-Issued.

TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT

G.O.RT.No. 172 **Dated: 31-03-2016**

Read the following:

1)From the Director-General, Anti-Corruption Bureau, A.P., Hyderabad, Letter No.79/DES-TCT/2007, Dated:01.04.2008.
2)Govt.Memo No.5434/Vig.III/A2/2008-1, Dated:02.01.2009.
3)Charge Memo No.7904/V3/2007-3, Dated:07.02.2009 of Transport Commissioner, A.P., Hyderabad.
4)From Sri I.Padmanabha Kumar, Junior Assistant, O/o Deputy Transport Commissioner, Chittoor, Written Statement of Defence Dated:28.02.2009.
5)From the Transport Commissioner, A.P., Hyderabad, Letter No. 7904/V3/2007, Dated:16.04.2011.
6)G.O.Rt.No.650, T,R&B(Vig.III.2)Deptt., Dated:27.06.2012.
7)From General Administration(COI.P)Department, D.O.Letter No. 210/COI.P/2012-7, Dated:13.02.2014.
8)Govt.Memo No.5434/Vig.Tr./A2/2008-10, Dated:31.12.2014.
9)From the Transport Commissioner, A.P., Hyderabad, Letter No. 7904/V3/2007, Dated:21.05.2015.A

>>>>>>>

ORDER:

In the reference first read above, the Director-General, Anti-Corruption Bureau, A.P., Hyderabad submitted his Surprise Check Report, stating that a Surprise Check was conducted by the Bureau on 29.10.2007 on the Office of Deputy Transport Commissioner, Chittoor which revealed that the Officers and staff of the said Office are committing irregularities by employing unauthorized Private Persons as Agents while discharging their official duties and thereby indulging in corruption and has, therefore, recommended Departmental Action for Major Penalty against Sri I.Padmanabha Kumar, the then Junior Assistant, O/o Deputy Transport Commissioner, Chittoor and six others of the O/o Dy.Tr.Commr., Chittoor.

Government, after careful examination of the matter, have requested the Transport Commissioner, A.P., in the reference second read above, to initiate Disciplinary Proceedings against Sri I.Padmanabha Kumar, the then Junior Assistant, O/o Deputy Transport Commissioner, Chittoor, for certain irregularities committed by him. In pursuance of the above Instructions issued by the Government, the Transport Commissioner, A.P., Hyderabad has initiated Disciplinary Proceedings against Sri I.Padmanabha Kumar, the then Junior Assistant, O/o Deputy Transport Commissioner, Chittoor by framing articles of charges in the reference third read above.

In the reference fourth above, Sri I.Padmanabha Kumar, Junior Assistant, O/o Deputy Transport Commissioner, Chittoor, submitted his Written Statement of Defence, denying the charges and requesting to drop further action. In the reference fifth read above, the Transport Commissioner, A.P., has requested the Government to entrust the case to the Commissionerate Of Inquiries for conducting Departmental Enquiry under Common Proceedings, since there are limited number of Officers above the rank of Deputy Transport Commissioner and large number of Enquiries are pending with them.

In the G.O. sixth read above, orders were issued appointing Dr.Prem Chand, IAS(Retd.), Commissioner of Inquiries, General Administration Department as Inquiring Authority to conduct Detailed Inquiry into the charges framed against Sri I.Padmanabha Kumar, the then Junior Assistant,

O/o Deputy Transport Commissioner, Chittoor and six(6) other Officers and staff of O/o Dy.Tr.Commr., Chittoor.

In the reference seventh read above, the Inquiring Authority submitted his Enquiry Report, holding the charges against Sri I.Padmanabha Kumar, the then Junior Assistant, O/o Deputy Transport Commissioner, Chittoor as PARTLY PROVED.

In the reference eighth read above, a copy of the Enquiry Report was communicated to the Charged Officer, Sri I.Padmanabha Kumar, Junior Assistant, Regional Transport Officer, Tirupati, for his Further Representation, if any.

Sri I.Padmanabha Kumar, Junior Assistant, O/o Regional Transport Officer, Tirupati, submitted his Further Representation Dated:27.03.2015 received through the reference ninth read above, wherein, at the outset while denying the charges in toto, he has represented that perusal of the Report of the Learned Inquiry Authority revealed that the Learned Inquiry Authority held the part of the charge that he was collecting bribes by employing agents could not be established and the other part of the charge that I declared personal cash of Rs.200/- whereas I was found in possession of Rs.7,900/- was held as Proved; that, as seen from the above observation coupled with the Finding of the Learned Inquiry Authority regarding the other part of the charge, he satisfactorily explained for the possession of the amount of Rs.7900/-; that what is pointed out is that he failed to declare the same., that the Learned Inquiry Authority missed to note that the Office Timings were from 10.30 A.M. to 5.00 P.M., that he received the amount from the said Sri Prabhakar Naidu, after Office Hours, i.e., at about 5.15 P.M., and the Surprise Check was conducted from 5.30 P.M. onwards, i.e., after the Office timings; that, as such the Observation of the Learned Inquiry Authority that he should have declared the said amount does not merit any consideration; he has further submitted that mere non-declaration of personal cash cannot be construed as Misconduct warranting disciplinary action and at the best may be construed as a lapse; that every lapse cannot be considered as Misconduct., that as submitted above, the Learned Inquiry Authority missed to see that he received the amount of Rs.7,700/- from the said Sri Prabhakar Naidu after Office Hours, i.e., at about 5.15 P.M. and as such the question of his declaring the said amount does not arise since he dismounted the duties and was going home when the Surprise Check Party checked him at about 5.30 P.M., i.e., after Office Hours., that as such the Finding of the Learned Inquiry Authority in respect of this part of charge is liable to be rejected., and he has prayed that his above submissions may kindly be considered sympathetically, that the Report of the Learned Inquiry Authority in respect of the charge of non-declaration of personal cash may be rejected and further action may be dropped against him in the interest of justice.

Government have examined the entire issue carefully and have observed that “the contentions raised by the Charged Officer are not tenable. As per G.O.Ms.No.200, Genl.Admn.(SER.C)Deptt., Dated:26.03.2007, the Government directed that all Employees of all Departments dealing with cash, including Revenue Collecting Departments, shall give a Declaration as follows:

i) Declaration of Personal Cash at the time of reporting to duty if in excess of Rs.500/-

ii) Cash may be declared while on tour if in excess of Rs.10,000/-

In the instant case, it is noticed that the Charged Officer was found in possession of an excess amount of Rs.7700/- than the amount declared by him in the Personal Cash Declaration Register, as he was found with an amount of Rs.7,900/-, as against the amount of Rs.200/- declared by him on 29.10.2007 in the Personal Cash Declaration Register. The Charged Officer could not satisfactorily explain the excess unaccounted personal cash of Rs.7,700/- found with him. His defence appears to be not convincing”. Therefore, Government have decided to accept the Finding of the Inquiring Authority, COI.P., in respect of Sri I.Padmanabha Kunar, the then Junior Assistant, O/o Deputy Transport Commissioner, Chittoor in the light of Government Instructions on Personal Cash vide G.O.Ms.No.200, Genl.Admn. (SER.C)Deptt., Dated:26.03.2007, and to inflict the punishment of Withholding of One Annual Grade Increment Without Cumulative Effect against the above named Charged Officer for his delinquency.

Accordingly, Government hereby impose the penalty of Withholding of One Annual Grade Increment Without Cumulative Effect against Sri I.Padmanabha Kumar, the then Junior Assistant, O/o Deputy Transport Commissioner, Chittoor, and presently Junior Assistant, O/o Regional Transport Officer, Tirupati.

The Transport Commissioner, Andhra Pradesh, Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri I.Padmanabha Kumar, Junior Assistant, O/o Regional Transport Officer, Tirupati **THROUGH** the Transport Commissioner, A.P., Hyderabad.
The Transport Commissioner, A.P., Hyderabad.
Copy to:
1)The Director-General, Anti-Corruption Bureau, A.P., Hyderabad.
2)The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
3)The General Administration(COI.P)Department, for information.
4)SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER